

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

454P0499

HOUSE BILL NO. 1149

Introduced by: Representatives Novstrup (David), Boomgarden, Feinstein, Gillespie, Kirkeby, Moore, Novstrup (Al), Pitts, Rounds, and Street and Senators McCracken, Abdallah, Albers, Gant, Koetzle, Nesselhuf, Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to extend the period of time a protection order granted upon
2 a finding of domestic abuse may remain in effect.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-5 be amended to read as follows:

5 25-10-5. Upon notice and a hearing, if the court finds by a preponderance of the evidence
6 that domestic abuse has taken place, the court may provide relief as follows:

- 7 (1) Restrain any party from committing acts of domestic abuse;
- 8 (2) Exclude the abusing party from the dwelling which the parties share or from the
9 residence of the petitioner;
- 10 (3) Award temporary custody or establish temporary visitation with regards to minor
11 children of the parties;
- 12 (4) Establish temporary support for minor children of the parties or a spouse;
- 13 (5) Order that either or both of the parties obtain counseling;
- 14 (6) Order other relief as the court deems necessary for the protection of a family or



1 household member, including orders or directives to a sheriff or constable.

2 Any relief granted by the order for protection shall be for a fixed period and may not exceed

3 ~~three~~ five years.

4 If any minor child resides with either party, the court shall order that the parties receive

5 instruction on parenting approved or provided by the Department of Social Services as part of

6 any relief granted.